

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

REC'D 24 JUN 2005

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(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W 3081-115	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE2004/001126	International filing date (day/month/year) 12.07.2004	Priority date (day/month/year) 18.07.2003
International Patent Classification (IPC) or national classification and IPC A21B1/48		
Applicant INTER IKEA SYSTEMS B.V. et al.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application 		
Date of submission of the demand 05.02.2005	Date of completion of this report 23.06.2005	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Merkt, A Telephone No. +49 89 2399-2935	



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Box No. I Basis of the report

- With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
 - With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-13
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-13
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-13
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-A-4 987 828
- D2: US-A-6 147 336
- D3: US-A-4 565 704

The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):
a device (for making omelets), the device having plates of magnetic material and a conveyor (for transferring said plates linearly through the device from a position for supplying each plate with omelet batter to a position for removal of a finished omelet from the device), wherein at least two separately controllable induction heaters are positioned under the conveyor in two treatment stations.

The subject-matter of claim 1 differs from this known device in that at least one infrared heater is positioned above the conveyor.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide an additional browning of the top of the omelets.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) as it is not rendered obvious by any of the available prior art documents.

Claims 2-12 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

The document D1 is also regarded as being the closest prior art to the subject-matter of

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claim 13, and shows (the references in parentheses applying to this document): a method (for making omelets in a device according to one of the claims 1-12), in which plates are transferred linearly through the device from a position for supplying each plate with omelet batter to a position for removal of a finished omelet from the device, whereby primary coagulation of the omelet batter is performed by separately controllable induction heaters from below in at least two treatment stations.

The subject-matter of claim 13 differs from this known method in that browning of the top surface of the omelet is performed by infrared heating from above.

The subject-matter of claim 13 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as to provide a better foodstuff-preparing result.

The solution to this problem proposed in claim 13 of the present application is considered as involving an inventive step (Article 33(3) PCT) as it is not rendered obvious by any of the available prior art documents.

Re Item VII:

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.

Although claims 1 and 13 are drafted in the two-part form the characterizing features (see above) are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).

Re Item VIII:

The underlined passages in the wording of the claims (see above) should have been

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introduced/adapted/amended for the sake of clarity of the concerned claims.